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09/270,461	03/15/1999	JONATHAN D. BUCKLEY		2532

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/270,461

Applicant(s)

BUCKLEY ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15,16 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 17-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

The examiner acknowledges canceled claims 1-14 and new claims 15-24.

***Response to Arguments***

1. Applicant's arguments filed on 7/10/2002 have been fully considered but they are not persuasive.

Regarding applicant's argument (lines 5-9, page 5), Pugh discloses blocking assembly, in the form of a solenoid located forward of the trigger (Fig. 1, col. 4, lines 20-29, "S,L" in phantom blocking the rotatable chamber (23) with cartridges). But Pugh does not disclose blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means. However, Kaminski discloses, in the art of firearms, as an alternative to a solenoid blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means (col. 4, lines 48-58, a gear motor moving a pin to block movement of the trigger) to provide a safety against non-intentional firing.

Regarding applicant's argument (lines 15–18, page ), one skilled in the art recognizing type of firearm referenced to in Pugh suggests if cylinder cannot rotate, operation of trigger is prevented since cylinder, trigger and hammer are all integrated with one another.

Regarding applicant's argument (lines 19–20, page 5), the examiner maintains that West does disclose, teach or suggest the claimed safety system for a firearm (abstract, lines 1–3, firearms).

Regarding applicant's argument (lines 22–23, page 5), the examiner maintains that Eppler does disclose, teach or suggest the claimed safety system for a firearm (Fig. 1, pistol (1)).

Regarding applicant's argument (lines 3–4, page 6), the examiner maintains that Kaminski does disclose, teach or suggest the claimed safety system for a firearm (Fig. 1, pistol (10)).

Regarding applicant's argument (lines 8–14, page 6), with reference to Kaminski the examiner notes that the motor of the present invention works in combination with the gear train for generating the necessary mechanical torque to prevent rotation of the trigger is not claimed. Furthermore, Pugh is cited for

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teaching blocking assembly, located forward of the trigger (Fig. 1, col. 4, lines 20-29, "L" blocking the rotatable chamber (23) with cartridges).

Therefore, the final office action regarding claims is as follows:

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the

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applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh (5,016,376) in view of Kaminski (6,237,271).

Regarding claim 15, Pugh discloses a safety system for a firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide the prevention of unauthorized firing), the firearm having a trigger and a handgrip located rearward of the trigger, the safety system comprising:

a power source (col. 3, lines 38-45, power supply) to supply power to the safety system; and

a power control unit (Fig. 2, col. 3, lines 8-20, see switches (38 and 49) for controlling power supply), electrically connected to the blocking assembly and the power source, to control power supply from the power source to the blocking assembly to activate the blocking assembly (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means) and blocking assembly, in the form of solenoid located forward of the trigger (Fig. 1, col. 4, lines 20-29, "S,L" in phantom blocking the rotatable chamber (23) with

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cartridges). But Pugh does not disclose blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means.

However, Kaminski discloses, in the art of firearms, as an alternative to a solenoid blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means (col. 4, lines 48–58, a gear motor moving a pin to block movement of the trigger) to provide a safety against non-intentional firing.

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when said motor is activated from said power supply means in the device of Pugh as evidenced by Kaminski because Pugh suggests said blocking means includes blocking means for blocking normal operation of said firearm via locking rod using a solenoid and Kaminski teaches blocking means includes: a motor for activation by said power supply means; a gear train driven by said motor when

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said motor is activated from said power supply means to provide a safety against non-intentional firing as an alternative to solenoids.

Regarding claim 24, Pugh discloses the safety system for a firearm of claim 15, wherein the power source comprises: an expendable battery (col. 3, lines 38-45, power supply (27)).

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of Kaminski as applied to claim 15 above, and further in view of Eppler (5,062,232).

Regarding claim 16, Pugh continues, as disclosed in claim 15, to disclose said firearm includes a rotatable trigger; and said blocking means includes blocking means for blocking normal operation of said firearm (col. 3, lines 30-37 and 63-65, decoder (25) and locking rod (41) provide blocking means). But Pugh in view of Kaminski does not disclose the blocking assembly further comprises: an output shaft connected to the gear train to translate a rotary output of the gear train to an axial movement for preventing rotation of the trigger.



However, Eppler discloses, in the art of firearms, the blocking assembly further comprises: an output shaft connected to the gear train to translate a rotary output of the gear train to an axial movement for preventing rotation of the trigger (Fig.1, axial movement of pin (21) for preventing rotation of the trigger (2); col. 4, lines 48–58, a gear motor is associated with a threaded output shaft) to provide a safety against non–intentional firing. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the blocking assembly further comprises: an output shaft connected to the gear train to translate a rotary output of the gear train to an axial movement for preventing rotation of the trigger in the device of Pugh in view of Kaminski as evidenced by Eppler because Pugh in view of Kaminski suggest said blocking means includes blocking means for blocking normal operation of said firearm via locking rod and Eppler teaches the blocking assembly further comprises: an output shaft connected to the gear train to translate a rotary output of the gear train to an axial movement for preventing rotation of the trigger to provide a safety against non–intentional firing.

Claims 19–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of Kaminski as applied to claim 15 above, and further in view of West et al. (5,704,151).

Regarding claims 19–20, Pugh continues, as disclosed in claim 15, to disclose decoding means (col. 2, lines 33–50, decoder means (D)) for identifying the authorized user and for selectively activating the solenoid means. But Pugh in view of Kaminski does not disclose a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence.

However, West discloses, in the art of firearm safety, a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence to provide authorized usage of firearm (col. 4, lines 25–43, keypad (5) and buttons pressed in a predetermined sequence). Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence in the device of Pugh in view of Kaminski as evidenced by

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West because Pugh in view of Kaminski suggest decoding means coupled to signal provided by ring (Pugh-11) and West teaches a keypad assembly; and said keypad assembly includes: selection buttons for enabling selection of a series of numbers in sequence to provide authorized usage of firearm.

Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pugh in view of Kaminski as applied to claim 15 above, and further in view of Bowker et al. (5,812,252).

Regarding claim 21, Pugh discloses a firearm activated by correct code (col. 4, lines 3-19, authorization via correct code). But Pugh in view of Kaminski does not disclose the power control unit comprises: a biometric identity device capable of receiving an entry of a biometric identifying data. -

However, Bowker discloses, in the art of firearm safety, the power control unit comprises: a biometric identity device capable of receiving an entry of a biometric identifying data (col. 53, line 26 to col. 54, line 34, firing authorization via matched fingerprint) to provide enhanced level of firearm usage authorization. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include the power control unit

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comprises: a biometric identity device capable of receiving an entry of a biometric identifying data in the device of Pugh in view of Kaminski as evidenced by Bowker because Pugh in view of Kaminski suggest correct code for firearm usage authorization and Bowker teaches the power control unit comprises: a biometric identity device capable of receiving an entry of a biometric identifying data to provide enhanced level of firearm usage authorization.

Regarding claim 22, Bowker continues, as disclosed in claim 21, to disclose the biometric identity device is a fingerprint reader (col. 54, lines 20–27, fingerprint reader via CCD).

Regarding claim 23, Bowker continues, as disclosed in claim 21, to disclose the power control unit further comprises: at least one microprocessor, responsive upon a correct entry of the biometric identifying data, to allow the power source to activate the blocking assembly (col. 53, line 26 to col. 54, line 34, energy–discharging means (40) after firing authorization via matched fingerprint).

### Allowable Subject Matter

5. Claims 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Said trigger of said firearm has two apertures with one of said apertures receiving said pin when said trigger is in its cocked position and the other of said apertures receiving said pin when said trigger is in its uncocked position upon activation of said axial moving means, as claimed in dependent claims 17-18 are not taught nor suggested by the prior art of record.

### Conclusion

1. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

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the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro` Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

September 4, 2002



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